*****

In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 29.11.2007.

Amarjit Lal son of Shri Nand Ram,
resident of Village Alipur,
Tehsil and District Jalandhar.

...Petitioner.

vs.

State of Punjab through the Joint Development Commissioner,
(Exercising the powers of Commissioner) under the Act, Punjab,
Chandigarh and others

...Respondents.

Coram: **Hon'ble Mr. Justice K.S.Garewal.**
Hon'ble Mr. Justice R.S.Madan.

Present: Mr.Raj Kumar Garg,Advocate,for the petitioner.

R.S.Madan, J.

The claim of the petitioner in the instant writ petition is that he is in possession of khewat khatauni no.157/183 comprised in khasra no.28 within the abadi deh. He has constructed a boundary wall and is using it as out house. Few residents of Village Alipur filed an application under Section 11 of the Punjab Village Common Lands Act, 1961 (for short, "the Act") before the Collector -respondent no.2, against the petitioner for declaration that the land in dispute is owned by the Gram Panchayat-respondent no.3. They have also prayed that the petitioner be restrained from making any construction over the property.

The Collector vide order dated 24.2.2004 held that the land in dispute is reserved for Dr. Ambedkar Bhawan and Panchayat Ghar, out of which 10 marlas of land has been illegally occupied by the petitioner. Aggrieved by the said order, the petitioner filed an appeal before respondent no.1 who also did not find favour with the petitioner and dismissed the

*****

appeal vide order dated 18.10.2006 (Annexure P3), by observing that the land is covered under Section 2 (g) (4) of the Punjab Village Common Lands (Regulation) Act, 1961 and the same is reserved for common purpose of the village which is under the management and control of the Gram Panchayat.

Learned counsel contended that the house of the petitioner adjoins the land in dispute measuring 10 marlas and adjacent to this, the land was kept for Dr.B.R.Ambedkar Bhawan and Panchayat Ghar and the foundation stone of the same was laid down in the year 1996, whereas he was in possession of the land in dispute since 1986.

Learned counsel has not attached any site plan of the land under his occupation except saying that he is tethering his cattle at the site in question does not create his valid possession over the disputed land. But on the asking of the court, he supplied photo copy of the same so as to establish his possession over the plot in question. A perusal of the site plan shows that there is a *khurli,* few trees and some area is covered with cow dung cakes.

After going through the record, we are of the view that the land in dispute is reserved for common purpose of the Village, vests with the Gram Panchayat and the petitioner has encroached upon it. The land is for the benefits of the village community. No indulgence of this court is called for. The writ petition is dismissed being devoid of merit.

(R.S.Madan)
Judge

29.11.2007. **(K.S.Garewal)**
vs. **Judge**.